

electors. In the October 26, 2011 phone conversation with the KDH Town Attorney and Tillett, Mr. Parrish stated that he was drafting his own petition. Tillett expressed surprise that the DA was drafting his own petition.

ADA Lamb contacted Tillett on January 11, 2012 while he was holding court in Halifax County. She requested that Tillett meet with her to discuss the petition for removal of Chief Britt. Tillett drove from Halifax County to Dare County to meet with her. The DA's investigator Ryan was also present. ADA Lamb asked Tillett to provide information she did not have. He shared with her all the information that he had.

Tillett did not say that he had the inherent power to do anything.

ADA Lamb said that she intended to file a petition for the removal of Chief Britt. She acknowledged that she now understood the issues. She stated that her only reservation was that there were threats of retaliatory action against Tillett. She said she had received telephone calls from the attorneys for Chief Britt and the Town's liability insurer making threats of complaints to the JSC and to the State Bar.

ADA Lamb stated that she would be filing the petition the following week.

Tillett did not hear anything from Lamb the following week about filing the petition. Nor did he attempt to call or make any inquiry of ADA Lamb.

ADA Lamb called Tillett and said that she planned to file the petition the next day. She said that DA Parrish had attempted to dissuade her from filing the petition. Lamb stated that she would, nevertheless, be filing the petition.

The following morning Ms. Lamb called Tillett. She sounded very distraught and was crying. She expressed concern about her career. She said that she was not making a decision not

to file. Weeks later Ms. Lamb confirmed to attorney John G. Trimpi that she still had not made a decision but would await the outcome of the petitions to remove DA Parrish.

At no time prior to the letter dated August 15 did Ms. Lamb inform Tillett that she would not be filing a petition for removal of the KDH Chief of Police.

September 19, 2011 Order

The District Attorney notified Tillett by fax and letter of the DA's decision to prepare and file the petition for removal. The DA also so informed the KDH Town Attorney and sent copies to him.

The Town Board members and Mayor expressed concern that the Town personnel files would be at risk of loss once efforts by the DA to remove Chief Britt became known. (One of the allegations made against Chief Britt was the improper use of secret copies of personnel files kept in the Chief's desk).

Tillett inquired of the KDH Town Attorney whether he desired a hearing on the preservation of copies of Town personnel files. The Town Attorney said he would confer with the Mayor and the Town Board. He subsequently confirmed that the Town did not desire a hearing. The copies of the personnel records of KDH employees were also the subject of a telephone conference between the KDH Town Attorney, Mr. Parrish and Tillett.

Both the DA and the KDH Town Attorney approved the procedure employed to copy the personnel files. The KDH Town Attorney participated in the drafting of the order which was entered by consent.

The KDH Town Attorney pointed Tillett to the applicable statutory provisions which gave the Town the statutory authority to grant access and disclosure of information in its personnel files.

Tillett did not direct that no one receive a copy of the order. When the order was served by the KDH Town Attorney he told those persons involved about the order, and instructed them to provide all such records they may have in their possession.

Tillett was contacted by his office and told that the Town Clerk was at his office asking to speak to him. The Town Clerk appeared upset and reported that she had discovered additional files in the Chief's desk that had not been surrendered pursuant to the order. The files pertained to A. Ennis, one of the complainants.

Subsequently Tillett was contacted by the KDH Town Attorney who told him that the Town Clerk was requesting a copy of the order. She suggested the procedure she would observe to comply with the order. Tillett readily agreed. Tillett informed the KDH Town Attorney that he did not intend to prevent the persons involved from knowing about the contents of the order.

Neither Tillett nor any of the police officers were allowed to be heard or respond to the challenge to Judge Fitch's order in the Court of Appeals. Significantly, the Town argued in the Court of Appeals that Tillett had no standing because his order was not affected by the ruling of the Court of Appeals. In response to Tillett's efforts to be heard by the Court of Appeals the Town asserted that there was only a one line sentence referring to Tillett's order and that it was clear from the opinion of the Court of Appeals that his order was not affected.

DA's Office

The complaints involving the ineffective performance by the DA's office were also completely unrelated to the April 4, 2010 incident involving Tillett's son. Long before the controversy arose regarding the KDH police chief, there had been a nearly two decades long history of significant problems with the District Attorney's office-- specifically with the ineffective job performance by Mr. Parrish and Ms. Lamb.

The former Senior Resident Judge made numerous attempts to resolve the problems related to the ineffectiveness of the DA's Office. The problems with the DA's office grew progressively worse.

The private, non-public communications that Tillett had with persons in the DA's Office were intended by him to avoid future difficulties.

Tillett was at a Judge's Conference in late October when the KDH Town Attorney contacted him. The KDH Town Attorney said that without his knowledge the Town's liability insurer had employed a group to investigate the allegations against the KDHPD. The KDH Town Attorney was concerned that this would lead to further litigation and more negative publicity for the Town.

KDH Town Attorney informed Tillett that he had made several attempts to contact the DA but was unable to reach him. He asked Tillett to call the DA. In a very brief conversation, DA Parrish related to Tillett that he was aware that there was going to be an inquiry by the Town's insurer and preferred to await that information.

Tillett did repeat a statement made to him by the KDH Town Attorney that this might be like "the fox guarding the hen house." Tillett also said to the DA that it was important that he make a decision one way or the other.

The DA did not tell Tillett that he had already conferred with the Attorney General's office and determined there was no basis for a petition for removal.

Tillett did not say "I say what the law is and Judge Fitch says what it is".

Following the October 26, 2011 telephone conference with the DA, Tillett told Judge Fitch that Tillett would be referring the petition for removal of Chief Britt to Judge Fitch. Tillett sent a letter to Judge Fitch referring the petition to him.

Tillett asked that his assistant provide to Judge Fitch the information that Tillett had. Some of the information had to be procured from other sources including the DA's office.

Tillett did not have any further contact with the DA until the end of December when the KDH Town Attorney informed Tillett that Chief Britt was being reinstated. Tillett again suggested that the KDH Town Attorney contact the DA. The KDH Town Attorney said he had attempted to do so, but that the DA had not returned his calls.

Tillett contacted the DA who said that he did not know anything about Chief Britt being reinstated. The DA stated that he was still considering filing the petition.

The KDH Town Attorney had also been concerned about the inclusion of new policies for the Town of Kill Devil Hills of which he was not aware. The policies stated that the Chief would be allowed to have duplicate copies of personnel files in his possession. The policies also provided that an aggrieved person could not communicate with anyone outside the Town.

Tillett forwarded this information along with the KDH Town Attorney's notes and letter to Judge Fitch. Judge Fitch telephoned Tillett late in the afternoon of January 3rd. Judge Fitch had received the materials and wanted to know what the Town was doing. He expressed concern about what he characterized as the Town "shutting them down" in reference to KDH police officers not being able to make complaints to anybody outside of the Town. Judge Fitch observed that the Town cannot do that.

Judge Fitch asked Tillett what he thought should be done. Tillett responded that it was Judge Fitch's decision. He said "I know that but what do you think." Tillett told Judge Fitch that he thought this was unfair. Tillett suggested that a hearing be held in order to deal appropriately with the Town's efforts to silence its employees. Judge Fitch agreed.

Judge Fitch asked Tillett to prepare a draft order for Judge Fitch to consider. Subsequently Tillett's assistant called him and informed him that Judge Fitch's administrative assistant had contacted her and said that there were going to be some changes to the order drafted by Tillett. Tillett did speak with Judge Fitch's administrative assistant who said that Judge Fitch was going to revise the draft order.

Following the reinstatement of Chief Britt, three of the complaining police officers were terminated. One of the officers, Mr. Ennis, was demoted to dog catcher. Complaints were filed against Mr. Ennis alleging that he had talked disparagingly about the Chief. (He subsequently resigned).

Several sheriffs and clerks approached Tillett to express specific concerns and complaints about the DA Office. The complaints continued. These sheriffs and clerks concurred that the problems with the DA's office needed to be addressed. Tillett reached out to two other sheriffs in his district to determine if they had similar concerns. They did.

Pasquotank County Sheriff Cartwright also expressed concerns. Tillett agreed to host a meeting of all the sheriffs and clerks in his district in Elizabeth City.

A meeting was held in the same building as the DA's office. Every clerk and sheriff and many other law enforcement officers attended. Tillett sat at the back of the room and listened. Every sheriff and clerk made complaints about the DA's Office.

One sheriff said we don't need to mince words here we all know that Mr. Parrish is a "liar", he lies all the time, he will promise you and tell you he's going to do something and keep telling you he is going to do it. He will thereafter not do it, you will contact him several times and he'll keep promising and then after that he will just quit returning your calls and then he won't meet

with you. The only thing you'll be able to do will be to find where you think he might be outside smoking, go there and attempt to ask him about something, and then he'll still lie to you.

A clerk said that this is the same way he's been for some period of time, and referenced prior attempts, including a similar meeting held some years ago by former Senior Resident Superior Court Judge J. Richard Parker to deal with these same concerns.

Tillett informed the group that he could not deal with general allegations and criticisms. He said that if specific cases and incidents were sent to him in writing, he would attempt to resolve them. Thereafter written complaints dramatically increased.

Sheriffs contacted Tillett with lists and computerized print outs of cases that had been pending for years. Some of these cases involved serious crimes and violent conduct.

January 5, 2012 Meeting with DA and ADA Lamb

Tillett informed ADA Lamb that the concerns raised by the clerks of court and sheriffs about the ineffectiveness of the DA's Office must be directly communicated to DA Parrish. ADA Lamb acknowledged that a face-to-face meeting with the DA was appropriate. She specifically requested that she be allowed to participate in the meeting with DA Parrish. ADA Lamb insisted that she be included because otherwise Mr. Parrish "would lie, he lies about everything."

Tillett contacted DA Parrish and asked him if he would meet with Tillett in an INFORMAL setting in Currituck, Elizabeth City or Dare County. They agreed to meet in Dare after the holidays. The meeting was scheduled for the late afternoon of January 5, 2012.

At the January 5, 2012 meeting Tillett reviewed with DA Parrish and ADA Lamb the specific complaints that had been lodged against the DA's office by the clerks of court and sheriffs in the district. Tillett related to DA Parrish the substance of their complaints against him.

Tillett told DA Parrish that most of the concerns fell into three general categories: (1) DA Parrish would promise to do something and never do it; (2) he would not return calls or otherwise respond to inquiries; and (3) he would procrastinate about the prosecution of cases, not make a decision as to an appropriate disposition, and the cases would languish on the docket for extended periods of time.

Tillett also discussed a number of specific concerns with DA Parrish and ADA Lamb including the following:

Tillett made reference to the prior problems that Judge Parker, his predecessor, had experienced with DA Parrish and ADA Lamb. Tillett told Mr. Parrish that there may be difference of opinions about handling cases but that responding to those persons involved was essential. Tillett also said that timely making a decision was critical.

Tillett read to DA Parrish letters of complaint from a sheriff about his failure to investigate or take action against two police officers in Perquimans County after he had promised to do so and his failure to return the phone calls of the sheriff about the misconduct of the police officers. Tillett and the DA discussed a sheriff's complaint regarding two police officers who were charged with assaults whose cases the DA's office failed to prosecute. Mr. Parrish incorrectly stated he had requested a special prosecutor.

Chowan County Sheriff Godwin's complaint about the failure of the DA's Office to prosecute W.J. Moore who was charged with murder was related to DA Parrish. Moore has been in the Chowan County jail for years at the County's expense

Tillett also reminded DA Parrish that an unacceptable number of court sessions had ended with no trials conducted or were not fully utilized.

Tillett shared with DA Parrish several file numbers and names provided by the sheriffs and clerks of serious felony charges against defendants that had been incarcerated for long periods of time.

Tillett read to him a letter from a clerk of one county who had collaborated with another clerk in writing the letter. The letter described Mr. Parrish's prior inefficiencies and failure to communicate with the clerks. The letter also outlined the DA Office's short comings and the problems created for the clerks. The letter went on to say that "until he has accountability and consequences for unsatisfactory job performance, and he addresses issues such as laziness, untruthfulness and lack of concern or ability we will not see any discernable change."

The letter reminded the DA that these issues and concerns were brought to his attention "in a language a child could understand in a meeting with the Honorable J. Richard Parker and all seven clerks and all seven sheriffs."

The letter further stated that as acknowledged in the meeting with Judge Parker by a consensus of those in attendance there was no recognizable improvement after six months there was no reason to meet for assessment as previously planned. The letter goes on to say specifically that if anything "conditions and accountability GOT WORSE".

Tillett did not call DA Parrish "lazy or untruthful, ineffective or of having lack of concern or ability." The clerks of court said those things.

Tillett and the DA discussed a case in which a former police chief made a complaint against a police officer who arrested her former chief in retaliation for disciplinary action that her former chief had imposed upon her. The police officer had arrested her former chief at a high school football game for impersonating an officer. Mr. Parrish agreed that the arrest was improper. He

assured Tillett that he had responded to the complaint of the former police chief. Subsequently Tillett learned that DA Parrish had not responded.

Tillett also addressed an issue brought to his attention by other police officers regarding two deputies in Pasquotank County who had been charged with multiple felonies. The deputies were alleged to have embezzled a sizable amount of money from the Sheriff's office, and used the Sheriff's credit card for personal purchases. The DA assured Tillett that the DA's Office had not made promises of dismissals or reduction of charges to misdemeanors. The DA acknowledged that the handling of the charges was difficult. The officers were prominent in the community, a parent of one of the officers worked in the Clerk's office, and another parent was employed in a supervisory position with the Elizabeth City Police Department. Parrish acknowledged that he was handling these cases himself.

These cases languished and were repeatedly continued because Mr. Parrish was the only one who could deal with them and he had "not yet made a decision". Tillett ordered the cases to be calendared for trial. The DA's office prints the calendars and the cases were not added to the printed calendar in accordance with the court's order.

After Tillett's consent to the Public Reprimand by the Judicial Standards Commission, the charges were reduced to misdemeanors contrary to what Mr. Parrish had said at the January 5, 2012 meeting.

Tillett informed the DA that there were allegations that he had elevated animal rights cases over those involving human victims because of his wife's position with an animal rights advocacy group. The DA acknowledged that his wife was so employed. The DA responded that because of his wife's position he did not have any involvement with animal rights cases. He asserted that everyone in the DA's Office knew that. The assurances given by the DA notwithstanding a Gates

County animal cruelty case was continued several times. The reason given for the continuances was that only Mr. Parrish could handle the case and he was unavailable. The case was dismissed because of the death of one of the witnesses.

Tillett also read to the District Attorney some complaints which had been received from victims alleging that Mr. Parrish had failed to move their cases and that when they attempted to contact him he would not return their calls.

One of these involved a police officer from Kill Devil Hills. DA Parrish once again said that he had not made a decision as to the filing of a petition to remove the Chief.

Tillett read to DA Parrish the complaints from a KDH police officer alleging that the DA had failed to communicate with him, would not return his calls, and had not done what he had said he was going to do. Tillett asked DA Parrish whether this complaint created a conflict for him. DA Parrish acknowledged that it did create a conflict for him. Tillett inquired as to whether ADA Lamb would be able to handle the petition for removal of Chief Britt. Ms. Lamb readily agreed she could make an independent determination.

Also discussed were allegations that the DA's Office had not proceeded to prosecute cases in accordance with statutory deadlines under the Interstate Act on Detainers ("IAD"). There were several cases involving failure to bring charges within the period of time specified by the IAD. Tillett explained to Mr. Parrish that these kind of actions put presiding judges in very difficult positions as these people are charged with serious violent crimes and the IAD provides for a specific mandate of dismissal.

Tillett gave the DA the names of some of the defendants charged with serious, violent criminal conduct who had petitioned for dismissal under the IAD as follows:

State v. Felton. A Motion for Dismissal of Charges pursuant to the IAD was filed in December of 2010 but not dealt with until after March 6, 2011. On March 9, 2010, the petitioner also filed a written request that the DA proceed with prosecution in accordance with provisions of the IAD. Notwithstanding receipt of numerous letters, the DA ignored the statutorily mandated deadline.

State v. Elliott. The defendant had been transferred on June 7, 2010 from the Virginia Department of Corrections to North Carolina to stand trial for the crime of robbery with a dangerous weapon. The DA failed to bring the defendant to trial within the period of time specified by the IAD 180 days. The defendant moved for dismissal.

State v. Tatum. While Tatum was incarcerated, charges were pending against him. The State had failed to serve him. Tatum had already been convicted of violent crimes including home invasion, robbery and felony assault. He was serving a prison term for these charges. Tatum had also been convicted of murder in federal court and he was waiting to serve that sentence. He was reportedly involved with gangs within the prison system. While a prisoner he had been charged with a brutal attack upon a young female prison guard. Tatum viciously attacked her, stabbed her multiple times, and inflicted permanent injuries. She never returned to work. The charges against Tatum were attempted murder and assault with a deadly weapon inflicting serious bodily injury. The DA's office failed to timely calendar these charges for trial.

Tillett also referred to numerous letters from Judge Parker, the former Senior Resident Superior Court Judge that had dealt with Mr. Parrish's failure to try cases for persons that were incarcerated or timely bring pending felony charges to trial.

Also discussed was a case involving a young female elementary school teacher and single parent. A domestic abuser had victimized her a number of times and continued to do so.

The defendant threatened to kill both the DA and the victim. Mr. Parrish instructed the Assistant District Attorney to dismiss these charges.

Tillett also voiced concern about the failure of DA Parrish to timely assign ADAs to handle cases involving habitual felons. As a result, the ADAs did not have sufficient time to obtain criminal records to prove prior convictions.

Tillett expressed uncertainty as to what needed to be done to address the problems discussed. He inquired of Mr. Parrish as to whether the court had to take some formal action under its contempt powers, or discipline the attorneys involved, or would Parrish address these problems himself. Mr. Parrish said that he would formulate a plan to take care of these problems himself. Parrish pledged that he would attempt to be more responsive, to require ADA Lamb to attend court sessions, to make decisions, and to return calls within 24 hours. Tillett assured Parrish that any improvement would be appreciated.

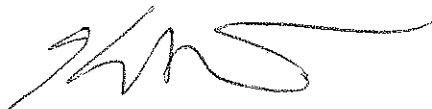
Tillett and the DA parted on cordial terms. Mr. Parrish thanked Tillett for his candor.

When Tillett walked out of his office he was surprised to see that the Sheriff was there and he so remarked to the Sheriff. Neither DA Parrish nor ADA Lamb was aware of the Sheriff's presence prior to that time.

Tillett chose not to hear any of the petitions for removal of DA Parrish.

WHEREFORE, Tillett requests that the Complaint against him be dismissed.

Respectfully submitted, this the 30th day of March, 2015.



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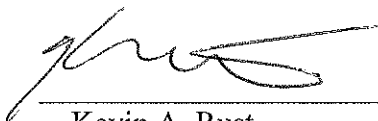
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served a copy of the foregoing ANSWER upon the parties by depositing a copy hereof in a postpaid wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

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This the 30th day of March, 2015.



Kevin A. Rust